

Incident#
1022350

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-853-9261

Date: 02/14/2006

INCIDENT REPORT

Group#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>05/11/2005</u>	Time: <u>09:45</u>	Confidential: <u>No</u>
Facility: <u>DCC Delaware Correctional Center</u>		Followup Required: <u>No</u>		
Associated Disciplinary Report #(s): <u>1017654</u>				
Incident Location: <u>Bldg. 18 B Tier</u>				
Location Description: <u>BL9</u>				
Violated Conditions: <u>1.06/200.203 Disorderly or Threatening Behavior</u> <u>2.03/200.106 Creating a Health, Safety or Fire Hazard</u> <u>2.06/200.108 Failing to Obey an Order</u>				
Description of Incident: On 11 May 05 at 0945 while conducting a routine shakedown I Sgt. B. Thomas found a large ammount of trash in Inmate Pepper's cell. This excess trash is against the housing rules on page 1D. Along with the trash he was in possession of 1 extra cup, 1 extra coffee cup, 1 extra bowl and lid. These extra items are against the housing rules according to page 30E. Inmate Pepper also became disorderly by stating " Someone should slap that bitch".				
Injured Persons	Hospitalized	Nature Of Injuries		
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		
Evidence Type: <u>N/A</u>	Date Collected: <u>N/A</u>			
Discovered By: <u>N/A</u>	Secured By: <u>N/A</u>			
Type of Force Used: <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE				
Restraints Used : <u>N/A</u>				
Immediate Action Taken: <u>N/A</u>				
Individuals Involved				
Person Code	Name	SB#	Title	
Staff	Bambie, Thomas	<u>N/A</u>	CO Corporal/Sgt. - Large Inst.	
Inmate	Monty, Pepper C	00156920	<u>N/A</u>	
Reporting Officer: <u>Thomas, Bambie (Co Corporal/Sgt. - Large Inst.)</u>		Entered By: <u>Thomas, Bambie (Co Corporal/Sgt. - Large Inst.)</u>		
Approval Information				
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>05/16/2005</u> Approved by: <u>Seacord, Thomas J (Staff Lt/Lt)</u>				
Comments: <u>N/A</u>				

Disciplinary#
1017654

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY REPORT

PAGE 25/33
Date: 05/30/2005

18 BLS

Disciplinary Type: Class1 Housing Unit: Bldg 18 IR#: 1022350

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00156920	Pepper, Monty C	DCC	Bldg.18 B Tier	05/11/2005	09:45

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.106 Failing to Obey an Order

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On 11 May 05 At 0945 While Conducting A Routine Shakedown I Sgt. B. Thomas Found A Large Ammount Of Trash In Inmate Pepper'S Cell. This Excess Trash Is Against The Housing Rules On Page 1d. Along With The Trash He Was In Possession Of 1 Extra Cup, 1 Extra Coffee Cup, 1 Extra Bowl And Lid. These Extra Items Are Against The Housing Rules According To Page 30e. Inmate Pepper Also Became Disorderly By Stating " Someone Should Slap That Bitch".

Reporting Officer: Thomas, Bamble (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Thomas, Bamble -CO Corporal/Sgt. - Large Inst.

N/A

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☒ Disapproved: ☐ Approved By: Seacord, Thomas J (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 05/30/2005 Time: 14:56 Received From: Seacord, Thomas J

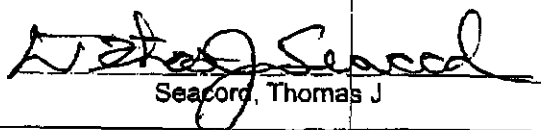
Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing


Seacord, Thomas J (Staff Lt./Lt)

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:


Seacord, Thomas J

Offender: _____
Pepper, Monty C

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE. 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : <u>Pepper, Monty C</u>	SB#: <u>00156920</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>06/16/2005</u>	Time: <u>10:30</u>
Inmate Present: <u>Yes</u>	Reason (If No): <u>N/A</u>	
Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Trash was my newspapers. I didn't say what she said I did. Inmate said its retaliation.</u>		
Decision : <u>GUILTY</u>		
Rational : <u>During confrontation c/o Thomas said inmate called her the name she reported. Per report and confrontation inmate found guilty of all charges.</u>		
Sanctions: <u>N/A</u>		
<p align="center">HEARING OFFICER'S SIGNATURE</p> <p align="right"><u>Savage, Larry</u></p>		

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired
It is here by ordered to implement the sanctions:	
Sanctions	Start Date Days End Date
1. Isolated Confinement	15

DR #
1017654Date: 6/8/05DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977DISCIPLINARY HEARING DECISION☒ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)Inmate: Pepper Monty SBI#: 00 156920
Institution: Delaware Correctional Center Hearing Date: 6/8/05 Time: 1355
cont 6/16/05Inmate Present: ☒ Yes ☐ No

Reason (If No): _____

Violation: 200.203 DTP 200.106 200.105Inmate Plea: not guiltyInmate Statement: Theresa was my neighbor. I don't
say what she said. I don't. Inmate said
it was retaliation.

Witness Name: _____

Testimony: _____

Witness Name: _____

Testimony: _____

Witness Name: _____

Testimony: _____

Decision: ☒ Guilty ☐ Not Guilty ☐ Further InvestigationRational: During confrontation Clut Thomas said inmate
called her the name. she reported her
report to confrontation inmate found guilty
of all charges.Sanctions: 15 days isolation to be scheduledHearing Officer's Signature H. L. L. L. L. L.

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.☐ I do not intend to appeal.Inmate's Signature
inmate unable to sign - cuffed
in roomORDER TO IMPLEMENT SANCTIONS☐ Inmate does not wish to appeal☐ Appeal has been denied by Commissioner or Designee☐ Sanctions have been modified☐ Time Limit (72 hours since hearing) for appeal has expired

Modifications: _____

It is hereby ordered to implement the sanctions or modified sanctions on Date: _____ Time: _____

Form 121 - May 30, 2003 - 2 pt. NCR DACS

DR #
1017654

Date: 5/30/05

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

To: Inmate: Pepper, matty

SBI#: 00 156920 Housing Unit: SHU 18

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122).
2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead?

☐

Guilty

☒

Not Guilty

3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Written Reprimand.
 - b. Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
 - a. Loss of one or more privileges for a period of more than 15 days but less than 60 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 30 days.
 - c. Isolation confinement for a period of time not to exceed 15 days.
 - d. Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
5. You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested? ☐ Yes

☒

No

Name of Counsel: _____

7. Confront accuser? ☒ Yes

☐

No

8. Witness requested? ☐ Yes

☒

No

Name of Witness: _____

I certify that on 5/30/05 at 1400
(Date) (Time)

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[Signature]
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

[Signature]
(Inmate's Signature)

DR#

1017654

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE. 19977

Phone#: 302-653-9261

Date: 05/31/2005

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

INMATE RIGHTS IN THE DISCIPLINARY PROCESS

MINOR OFFENSE :

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent, your silence will not be considered against you at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the Hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.